

LEVEE & FLOOD PROTECTION

Husch Blackwell counsels stakeholders nationally on the many political, regulatory, and financial issues that arise in every facet of flood control infrastructure and levee system projects. Our flood protection team has broad experience advising on nearly 50 flood protection projects valued in excess of \$3 billion, protecting more than \$100 billion in property.

We understand that cooperation and partnerships are keys to accomplishing flood-control projects. The positive relationships our attorneys foster between clients and engineers, financial advisors, the U.S. Army Corps of Engineers, FEMA, legislators, regulatory department officials, and other state and local government agencies are instrumental in advancing client projects.

In Texas, where flood planning can have unique challenges, our Levee & Flood Protection law team has experience and long-standing relationships that allow us to streamline both client complications and opportunities. We understand how, and when, laws apply regarding a multitude of Texas districts, such as Levee Improvement and Municipal Utility Districts, and district boards. Our Texas team members' connections throughout the state legislature, federal legislature, and relevant agencies make us exceptional client advocates.

Our guidance to clients in the levee and flood protection sector includes:



“It’s been a true blessing to have the capabilities of Husch Blackwell in times when we’ve really needed it... I can’t tell you how much I’ve appreciated that because I have seen the fruits of the labor. One of the best things I think we’ve ever done on this board was bring in the Husch team.”

— Tim Fowler,
Director, Papio-
Missouri River
Natural Resources
District —

Contact Information

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Construction

Design

Emergency assistance claims and appeals

Eminent domain

Federal floodplain management regulations

Financing

Levee certifications and challenges to Federal Emergency
Management Agency (FEMA) de-accreditation decisions

Levee certification programs and participation in PL 84-99

Operation and maintenance

Public planning

Public policy and government

Right-of-way acquisition cost reductions

State and federal permitting

Verification of proposed FEMA flood maps

Representative Experience

Represented Texas levee improvement district on residual risk of loss issue for federal flood insurance program.

Won summary judgment on inverse condemnation claim relating to levee and flood protection infrastructure improvements.

Represented local sponsors of federally constructed levee in defeating condemnation of portion of their levee, asserting

violations of U.S. and Illinois statutes. Award to clients reimbursed them attorneys' fees and costs.

Represented levee districts in defeating opposition to construction of levee improvements by property owners.

Brought a lawsuit against Federal Emergency Management Agency (FEMA) to invalidate its proposed maps decertifying one of the major levee systems in the country.

Represented levee and drainage districts on more than 50 benefit reassessments that identified under-assessed properties and in assessing atypical property that should be assessed. These reassessments generate substantial new sources of revenue for the districts, which have been used to finance flood control projects.

Led a team in representing more than 35 existing and completed flood protection construction projects valued in excess of \$1 billion. For these matters, continue to be involved in every facet of the projects – working with all federal and state regulatory agencies, working with engineering firms on value engineering, and handling project cost estimates.

Led a team in representing clients in numerous financings for design and construction of flood-protection systems (including tax-exempt bond issuance transactions) worth a combined total of more than \$300 million.

Won numerous cases benefiting flood protection interests, including those that upheld special assessments for flood protection against the Missouri Highways and

Transportation Commission.

Provided legal opinions for project flood control/floodplain management regulatory compliance.

Involved in every facet of flood control from planning, financing, design, right-of-way acquisition, construction, and operation and maintenance, including working with all federal and state regulatory agencies and engineering firms.

Led development of system-wide improvement plans for levee-systems along the Missouri and Mississippi Rivers.

Developed process and criteria for bank compliance with new flood insurance program requirements and evaluated private insurance policies for adherence.

Secured an approved jurisdictional determination that reduced the amount of waters identified through a preliminary determination from 4 miles to less than 200 lineal feet.

Provided leadership for a waterways program comprising 25 miles of flood damage reduction projects, integrating “green solutions” and recreation improvements to promote sustainability and generate economic development.

Led negotiations to transfer ownership of land between four separate entities, all with eminent domain authority, to alleviate flooding, allow for public and private infrastructure investment and facilitate redevelopment.

Prepared a levee-system improvement plan in accordance with the U.S. Army Corps of Engineers systemwide improvement framework policy that led to reinstatement in

PL84-99 and federal repair of flood damaged levees.

Developed recommendations to Congress for a national levee-safety program and to the Federal Emergency Management Agency (FEMA) for risk-based treatment of levees in the National Flood Insurance Program.